

# FEDERAL DEFENDANTS' EXHIBIT G

Wagner v. U.S. Dep't of Energy  
Civil No. 08-00136-HG-KSC (D. Haw.)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

WALTER L. WAGNER

Plaintiff,

-against-

ORDER  
00-CV-1672 (JG)

BROOKHAVEN ASSOCIATES,

Defendant.

JOHN GLEESON, United States District Judge:

Plaintiff's request for a preliminary injunction is denied because he has failed to show either "that [his complaint] is likely to succeed on the merits, or . . . that there are sufficiently serious questions going to the merits to make them a fair ground for litigation, and that the balance of hardships tips decidedly in favor of the moving party." Stratharos v. New York City Taxi & Limousine Comm'n, 198 F.3d 317, 321 (2d Cir. 1999) (quoting Otokoyama Co. Ltd. v. Wine of Japan Import, Inc., 175 F.3d 266, 270 (2d Cir. 1999)).

Plaintiff is ordered to show cause on or before April 28, 2000, why his case should not be dismissed because (1) he had previously filed another action seeking the same relief in California; (2) he has failed to satisfy the statute of limitations; and (3) he lacks standing.

Defendant's reply papers must be filed on or before May 12, 2000. There will be no oral argument absent further order of the Court.

So Ordered.

  
John Gleeson, U.S.D.J.

Dated: March 28, 2000  
Brooklyn, New York